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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR

Addendum

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UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/1999/1
27 November 1999

REGULATION NO. 1999/1

ON THE AUTHORITY OF THE TRANITIONAL ADMINISTRATION IN EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Recalling resolution 1272 (1999) of 25 October 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, decided to establish a United Nations Transitional Administration in East Timor (UNTAET), endowed with overall responsibility for the administration of East Timor empowered to exercise all legislative and executive authority, including the administration of justice, with the mandate as described in the resolution;

Acting pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999, after consultation with representatives of the East Timorese people, and for the purpose of establishing and maintaining an effective transitional administration in East Timor;

Hereby promulgates the following:

Section 1
Authority of the interim administration

1.1 All legislative and executive authority with respect to East Timor, including the administration of the judiciary, is vested in UNTAET and is exercised by the Transitional Administrator. In exercising these functions the Transitional Administrator shall consult and cooperate closely with representatives of the East Timorese people.

1.2 The Transitional Administrator may appoint any person to perform functions in the civil administration in East Timor, including the judiciary, or remove such person. Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations and directives issued by the Transitional Administrator.

Section 2
Observance of internationally recognized standards

In exercising their functions, all persons undertaking public duties or holding public office in East Timor shall observe internationally recognized human rights standards, as reflected, in particular, in:

The Universal Declaration on Human Rights of 10 December 1948;
The International Covenant on Civil and Political Rights of 16 December 1966 and its Protocols;
The International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
The Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965;
The Convention on the Elimination of all Forms of Discrimination Against Women of 17 December 1979;
The Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment of 17 December 1984;
The International Convention on the Rights of the Child of 20 November 1989.

They shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or all other status.

Section 3
Applicable law in East Timor

3.1 Until replaced by UNTAET regulations or subsequent legislation of democratically established institutions of East Timor, the laws applied in East Timor prior to 25 October 1999 shall apply in East Timor insofar as they do not conflict with the standards referred to in section 2, the fulfilment of the mandate given to UNTAET under United Nations Security Council resolution 1272 (1999), or the present or any other regulation and directive issued by the Transitional Administrator.

3.2 Without prejudice to the review of other legislation, the following laws, which do not comply with the standards referred to in section 2 and 3 of the present regulation, as well as any subsequent amendments to these laws and their administrative regulations, shall no longer be applied in East Timor:

Law on Anti-Subversion;
Law on Social Organizations;
Law on National Security;
Law on National Protection and Defense;
Law on Mobilization and Demobilization;
Law on Defense and Security.

3.3 Capital punishment is abolished.

Section 4
Regulations issued by UNTAET

In the performance of the duties entrusted to the transitional administration under United Nations Security Council resolution 1272 (1999), the Transitional Administrator will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by the Transitional Administrator or superseded by such rules as are issued upon the transfer of UNTAET's administrative and public service functions to the democratic institutions of East Timor, as provided for in United Nations Security Council resolution 1272 (1999).

Section 5
Entry into force and promulgation of regulations issued by UNTAET

5.1 The promulgation of any UNTAET regulation requires the approval and the signature of the Transitional Administrator. The regulation shall enter into force upon the date specified therein.

5.2 UNTAET regulations shall be issued in English, Portuguese and Bahasa Indonesian. Translations in Tetun shall be made available as required. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication.

5.3 UNTAET regulations shall bear the symbol UNTAET/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of entry into force, the subject matter and amendments or changes thereto or the repeal or suspension thereof.

Section 6
Directives

6.1 The Transitional Administrator shall have the power to issue administrative directives in relation to the implementation of regulations promulgated.

6.2 The provisions of section 5 shall apply also to administrative directives. They shall bear the symbol of UNTAET/DIR/, followed by the year of issuance and the issuance number of that year.

Section 7
Administration of property

7.1 UNTAET shall administer immovable or movable property, including monies, bank accounts, and other property of, or registered in the name of the Republic of Indonesia, or any of its subsidiary organs and agencies, which is in the territory of East Timor.

7.2 UNTAET shall also administer any property, both as specified in section 7.1 of the present regulation and privately owned that was abandoned after 30 August 1999, the date of the popular consultation, until such time as the lawful owners are determined.

Section 8
Entry into force

The present regulation shall be deemed to have entered into force as of 25 October 1999, the date of adoption by the United Nations Security Council of resolution 1272 (1999).

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/1999/2
2 December 1999

REGULATION NO. 1999/2

ON THE ESTABLISHMENT OF A NATIONAL CONSULTATIVE COUNCIL

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of establishing a consultative mechanism that ensures the participation of the East Timorese people in the decision-making process during the period of the transitional administration in East Timor,

Promulgates the following:

Section 1
National Consultative Council

1.1 A National Consultative Council (hereinafter: the Council) is hereby established to provide advice to the Transitional Administrator on all matters related to the exercise of the Transitional Administrator's executive and legislative functions, as provided for in UNTAET regulation 1999/1 of 27 November 1999.

1.2 The Council shall be the primary mechanism through which the representatives of the people of East Timor shall actively participate in the decision making process during the period of the United Nations Transitional Administration in East Timor, and through which the views, concerns, traditions and interests of the East Timorese people will be represented.

1.3 The Council shall be a joint consultative forum of representatives of the East Timorese people and UNTAET. It shall in no way prejudice the final authority of the Transitional Administrator in exercising the responsibilities vested in UNTAET under Security Council resolution 1272 (1999), as specified by UNTAET Regulation No.1999/1.

Section 2
Composition

2.1 The Council shall consist of 15 members.

2.2 The East Timorese members shall include:

(a) Seven (7) representatives of the National Council of East Timorese Resistance (hereinafter: CNRT),
(b) Three (3) representatives of political groups outside the CNRT, which were in existence prior to 30 August 1999, the date of the popular consultation in East Timor;
(c) One (1) representative of the Roman Catholic Church in East Timor.

2.3 The number of members from the representations indicated in Section 2.2 (a) and (b) of the present regulation, and their proportion, shall broadly reflect the results of the popular consultation of 30 August 1999

2.4 In addition, the Council shall include the Transitional Administrator and three (3) other UNTAET members, to be selected by the Transitional Administrator.

2.5 The members of the Council shall be appointed by the Transitional Administrator. The East Timorese members of the Council, however, shall only be appointed after consultation with the representations indicated in Sections 2.2 of the present regulation.

2.6 The Council shall be chaired by the Transitional Administrator, or, in his absence by a person designated by the Transitional Administrator.

Section 3
Recommendations by the Council

3.1 The Council shall make policy recommendations on significant executive and legislative matters.

3.2 In making policy recommendations, the Council shall strive to reach consensus. After making all reasonable efforts to achieve such consensus, the Transitional Administrator shall make such decisions as necessary to ensure the fulfillment of the mandate given to UNTAET under Security Council resolution 1272 (1999).

Section 4
Consultation with civil society groups

The Council shall establish mechanisms for consulting with the East Timorese civil society, including religious groups, women, and youth. The details of such a mechanism shall be regulated in the rules of procedure, provided for under Section 9 of the present regulation.

Section 5
Joint Sectoral Committees

5.1 The Council shall create joint sectoral committees (hereinafter: the committees) to enhance its capability to provide adequate advice to the Transitional Administrator. The committees shall be composed of East Timorese and international experts.

5.2 Without prejudice to the creation of additional committees, the committees to be established shall cover the following sectors:

(a) Agriculture
(b) Education
(c) Environment
(d) Finance and Macro-Economics
(e) Health
(f) Human Rights
(g) Infrastructure
(h) Local Administration
(i) Natural Resources

5.3 The committees shall consider issues referred to them by the Council, and make recommendations on these issues for consideration by the Council.

5.4 The committees may also, upon their own initiative, make recommendations to the Council, based on their assessment and expertise in their respective sectors.

Section 6
Oath or solemn declaration

6.1 Upon appointment, each member of the Council shall make the following oath or solemn declaration before the Transitional Administrator:

"I swear (solemnly declare) that in carrying out the duties entrusted to me as a member of the National Consultative Council,

I respect and will act in accordance with the outcome of the popular consultation of 30 August 1999.

I will promote the development of democratic institutions for an independent East Timor and support the work of the United Nations Transitional Administration in East Timor; and

I will actively participate in the work of the Council and, at all times, promote respect for human rights and democratic principles. I will perform my duties without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or any other status.

I will reject the use of violence as a political means and I will endeavor to ensure that violence is never again used in East Timor".

6.2 After having completed the oath (or the solemn declaration) orally, each member of the Council shall submit a signed copy of the above declaration to the Transitional Administrator.

Section 7
Removal and replacement

7.1 If, at any point in time, the Transitional Administrator becomes aware of evidence that any of the members of the Council has violated the principles enshrined in the oath, the

Transitional Administrator may, after consulting the other members of the Council remove such members from the Council and appoint a replacement, in accordance with the present regulation.

7.2 In the event of the resignation or death of a member, the Transitional Administrator shall appoint a new member to the Council, in accordance with the present regulation.

Section 8
Sessions of the Council

8.1 The Council shall meet regularly and shall deliberate in plenary session, after establishing the necessary quorum as specified in the rules of procedure, provided for in Section 9 of the present regulation.

8.2 The Transitional Administrator, as the chairperson of the Council, shall convene plenary sessions of the Council and prepare their agenda, after consultation with the members of the Council, as and when necessary, but no less than once every fortnight.

Section 9
Rules of procedure

The Council shall, at its first meeting, adopt its own rules of procedure.

Section 10
Technical support

The Transitional Administrator shall provide the necessary technical and logistical support to the Council, including a secretariat and meeting facilities.

Section 11
Entry into force

The present regulation shall enter into force on 2 December 1999.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations
Transitional Administration
in East Timor

NATIONS UNIES
AdministrationTransitoire
des Nations Unies
au Timor Oriental

UNTAET/REG/1999/3
3 December 1999

Regulation No. 1999/3

On the Establishment of a Transitional Judicial Service Commission

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of establishing an independent judiciary in East Timor, and responding to the urgent need to provide judicial services,

Promulgates the following:

Article 1
The Transitional Judicial Service Commission

A Transitional Judicial Service Commission (hereinafter: the Commission) is hereby established to recommend to the Transitional Administrator candidates for provisional judicial or prosecutorial office, provide advise on the removal of judges or prosecutors, and prepare a Code of Ethics for judges and prosecutors.

Article 2
Composition and terms of office

2.1 The Commission shall be composed of five (5) individuals, three (3) of East Timorese origin and two (2) international experts.

2.2 The Commission shall be chaired by an East Timorese individual of high moral standing. It is not mandatory for the Chairperson to be a legal professional.

2.3 The other members of the Commission, both East Timorese and international, shall be distinguished legal professionals of high moral standing. They shall be independent and

impartial. In the exercise of their functions, the members of the Commission shall at all times be guided by the transitional administration's goal to establish an independent and impartial judiciary and to build confidence in the rule of law.

2.4 The initial term of the members of the Commission shall be limited to six months from the day of appointment. This term shall be renewable. For the duration of their term, the members of the Commission shall not hold judicial or prosecutorial office in East Timor.

2.5 The East Timorese members of the Commission shall be appointed by the Transitional Administrator after consultations with relevant East Timorese interlocutors and social groups, and in accordance with the present regulation.

2.6 The Commission shall be independent in the exercise of its functions.

Article 3
Technical support and remuneration

3.1 The Transitional Administrator shall provide the funding and technical support of the Commission.

3.2 The members of the Commission shall receive remuneration to be determined by the Transitional Administrator.

Article 4
Oath or solemn declaration

4.1 Upon appointment, the Transitional Administrator shall receive the following oath or solemn declaration from the members of the Commission:

> "I swear (solemnly declare) that in carrying out the functions entrusted to me as a member of the Transitional Judicial Service Commission, I will perform my duties independently and impartially. I will, at all times, act in accordance with the dignity that the performance of my functions requires.
>
> I will carry out my functions without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or all other status."

4.2 Upon completion of the oath, each member of the Commission shall submit a signed copy of the above declaration to the Transitional Administrator.

Article 5
Removal of members of the Commission from office

5.1 If, at any point in time, the Transitional Administrator becomes aware of evidence that any of the members of the Commission has failed to meet the above principles or has violated the oath, the Transitional Administrator may remove such member from office and appoint a replacement, in accordance with the present regulation.

5.2 In case of resignation or death of a member, the Transitional Administrator shall appoint a new member to the Commission, in accordance with the present regulation.

Article 6
Rules of procedure

The Commission shall adopt its own rules of procedure.

Section 7
Sessions of the Commission

7.1 The Commission shall deliberate in plenary sessions. Its resolutions shall be valid if a quorum of at least four members is present.

7.2 The Chairperson shall convene plenary sessions of the Commission as and when necessary, but no less than once every month. Sessions shall also be convened at the request of the Transitional Administrator.

Section 8
Review of applications

8.1 Upon public announcement by the Transitional Administrator, the Commission shall receive and review individual applications of legal professionals of East Timorese origin for provisional service in judicial or prosecutorial office.

8.2 Before determining an application, the Commission shall conduct an interview with each candidate.

Section 9
Selection criteria

9.1 To apply for judicial or prosecutorial office, candidates shall submit their application directly to the Chairperson or through any UNTAET office in East Timor. The application shall contain the Commission's application form, a copy of the university diploma, and any additional documents, which may be necessary to certify relevant professional experience. The candidate shall be free to attach a letter of recommendation to the application.

9.2 It is mandatory that candidates have completed their legal training and hold a university degree in law, by a recognized university.

9.3 In addition, the Commission shall be guided by the following criteria:

(a) Legal competence, taking into consideration academic qualifications;

(b) Relevant experience in a legal profession or as a civil servant;

(c) Moral integrity and standing within the community.

9.4 The candidates shall make a declaration that in case of appointment they will take

residence in East Timor.

9.5 The Commission may recommend additional selection criteria to the Transitional Administrator.

Article 10
Recommendation by the Commission

10.1 Upon completion of the review process, the members of the Commission shall comment, in writing, on the applications reviewed. In case of non-consideration, the comments shall be made available to the candidate.

10.2 In selecting candidates, the Commission should strive for consensus. If this is not possible, however, the Commission may only recommend a candidate who obtained the votes of three members.

10.3 The Chairperson shall subsequently recommend the selected candidate, in writing, to the Transitional Administrator for appointment to judicial or prosecutorial office.

Article 11
Appointment of judges and prosecutors

11.1 The Transitional Administrator shall appoint candidates to judicial or prosecutorial office, taking closely into consideration the recommendations of the Commission pursuant to section 10.3 of the present regulation.

11.2 The recommendation shall not prejudice the Transitional Administrator's final authority to reject a candidate recommended by the Commission, on grounds related to the fulfillment of the mandate given UNTAET under Security Council resolution 1272 (1999). The Transitional Administrator shall inform the Commission of such rejection in writing.

11.3 Upon appointment, the Transitional Administrator shall receive the following oath or solemn declaration from each judge and prosecutor:

> "I swear (solemnly declare) that in carrying out the functions entrusted to me as a judge/ prosecutor, I will perform my duties independently and impartially. I will, at all times, uphold the law and act in accordance with the dignity that the performance of my functions requires.
>
> I will carry out my functions without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or all other status."

11.4 Upon completion of the oath, each judge and prosecutor shall submit a signed copy of the above declaration to the Transitional Administrator.

Article 12
Remuneration of judges and prosecutors

Judges and prosecutors shall receive remuneration in accordance with the remuneration scheme to be determined by the Transitional Administrator.

Article 13
Complaints regarding the professional performance

13.1 The Commission shall receive complaints regarding the professional performance of a judge or prosecutor. It shall review those complaints and, where appropriate, advise the Transitional Administrator on any action to be taken, including a recommendation for the removal of the judge or prosecutor from office.

13.2 The recommendation shall not prejudice the Transitional Administrator's final authority to decide on such removal from office.

13.3 Judges and prosecutors shall not be removed from office unless in case of:

(a) Mental illness or physical incapacity which makes the performance of judicial or prosecutorial duties permanently impossible;

(b) Serious violation of professional responsibilities, including the principles enshrined in the oath received by the Transitional Administrator;

(c) Acceptance of bribes or other emoluments beyond the granted remuneration, as determined by the Transitional Administrator;

(d) Acceptance of political or any other public office;

(e) A determination of false information having been provided in the application for professional service in judicial or prosecutorial office.

13.4 The Commission, respecting the right of the respective judge or prosecutor to present evidence, shall not carry out the removal from office without prior hearing. In case of removal on grounds of mental illness or physical incapacity a medical attestation by two independent medical experts is required.

13.5 The Transitional Administrator may, as appropriate, carry out an additional inquiry.

Article 14
Promotion and re-assignment of judges and prosecutors

14.1 The Commission shall make recommendations to the Transitional Administrator as for the promotion or re-assignment of a judge or prosecutor to different office.

14.2 The recommendation shall not prejudice the Transitional Administrator's final authority to reject such recommendation.

Article 15
Code of Ethics for judges and prosecutors

15.1 The Commission shall submit, within three months of the appointment of its initial members, a Draft Code of Ethics for judges and prosecutors to the Transitional Administrator.

15.2 In carrying out this task, the members of the Commission shall consult, as appropriate, with other East Timorese and international experts.

Section 16
Entry into force

The present regulation shall enter into force on 3 December 1999.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS NATIONS UNIES

UNTAET
United Nations Transitional Administration in East Timor

UNTAET/REG/1999/4
29 December 1999

REGULATION NO. 1999/4

ON THE ESTABLISHMENT OF THE OFFICIAL GAZETTE OF EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of establishing the Official Gazette of East Timor,

Promulgates the following:

Section 1
Name

An Official Gazette for East Timor is established. The name of the Official Gazette shall be "The Official Gazette of East Timor" (hereinafter: Official Gazette)

Section 2
Object of regulation

The present regulation establishes the mode of publication of regulations and directives issued by UNTAET, as well as other relevant acts of the organs and institutions of East Timor, or of public interest in the Official Gazette.

Section 3
Language and Dissemination

3.1 The Official Gazette shall be published in English, Portuguese and Tetun. Translations in Bahasa Indonesian shall be made available as required. In case of divergence, the English text shall prevail.

3.2 The Official Gazette shall be published in a manner that ensures its wide dissemination by public announcement and publication.

Section 4
Cover page

During the period of the transitional administration by UNTAET, the cover page of the Official Gazette shall contain the name of the Official Gazette, serial number, day, month and year of publication, place of publication and the insignia of UNTAET.

Section 5
Object of publication

The following shall be published in the Official Gazette:

(a) All UNTAET regulations and directives;

(b) General and other acts of organs or institutions of East Timor, as required by law;

(c) Other acts of public interest that require public notification.

Section 6
Publisher

During the period of the transitional administration in East Timor, the publication of the Official Gazette shall be carried out by UNTAET.

Section 7
Entry in force

The present regulation shall enter into force on 29 December 1999.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/1
14 January 2000

REGULATION NO. 2000/1

ON THE ESTABLISHMENT OF THE CENTRAL FISCAL AUTHORITY OF EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purposes of establishing the Central Fiscal Authority in East Timor,

Promulgates the following:

Section 1
Central Fiscal Authority

1.1 The Central Fiscal Authority, acting under the authority of the Transitional Administrator, is responsible for the overall financial management of the Budget of East Timor, including the budgets under the responsibility of the districts, which together form the East Timor Consolidated Budget.

1.2 The East Timor Consolidated Budget will be developed, adopted and executed separately from the budget of UNTAET that is adopted by the General Assembly of the United Nations.

Section 2
Responsibility concerning overall fiscal strategy

The Central Fiscal Authority shall formulate an overall fiscal strategy for the East Timor Consolidated Budget, in the light of macroeconomic conditions and the effect that fiscal policy may have on economic and social conditions.

Section 3
Responsibilities concerning revenues and expenditures

The Central Fiscal Authority, having consulted the responsible central and district spending authorities, shall make recommendations to the Transitional Administrator concerning the:

(a) Establishment of the Consolidated Fund of East Timor (CFET), and rules and regulations governing the operation and management of the CFET;

(b) Development of a public revenue and expenditure programme for the East Timor Consolidated Budget and formulation of plans for the control and execution of spending under that revenue and expenditure programme;

(c) Formulation of policies for the raising and collection of revenues including, but not limited to, direct and indirect taxes, customs and excise taxes, sales taxes, service charges and donor contributions;

(d) Control and execution of the raising of revenues and spending under the East Timor Consolidated Budget;

(e) Establishment of appropriate internal audit arrangements for the East Timor Consolidated Budget;

(f) Management of the bank accounts of the East Timor Consolidated Fund.

Section 4
Budgetary responsibilities

The Central Fiscal Authority shall:

(a) Develop the East Timor Consolidated Budget and present this budget to the Transitional Administrator for approval and adoption by regulation;

(b) Ensure that the budgets of the districts are developed and executed by district Administrators in a manner consistent with the East Timor Consolidated Budget;

(c) Record and report to the Transitional Administrator on expenditures and revenues of the East Timor Consolidated Budget;

(d) Arrange for the establishment of an information technology environment to support the functions;

(e) Perform any other functions necessary for the above mentioned activities.

Section 5
Head of the Central Fiscal Authority

5.1 The Head of the Central Fiscal Authority shall be appointed by the Transitional Administrator and shall report to the Transitional Administrator through the Deputy Transitional Administrator for Governance and Public Administration.

5.2 The Head of the Central Fiscal Authority shall be responsible for managing the Central Fiscal Authority and ensuring that the functions entrusted to it are implemented

5.3 The Head of the Central Fiscal Authority shall staff, organize and administer the Central Fiscal Authority. In addition, the Head of the Central Fiscal Authority shall issue administrative instructions and operating guidelines relating to administration of the East Timor Consolidated Budget and on any matters pertaining to the functions of the Central Fiscal Authority.

Section 6
East Timor Consolidated Budget accounts

6.1 Except as otherwise determined by the Transitional Administrator, the fiscal year is a year of 12 months, starting on the first of July and ending on the thirtieth of June of each calendar year.

6.2 The Head of the Central Fiscal Authority shall open and maintain one or more bank accounts for the receipt, custody, payment or transmission of moneys raised or received relating to the East Timor Consolidated Budget.

6.3 Moneys raised or received shall constitute the East Timor Consolidated Fund, irrespective of whether such monies are initially received into Central Payment Offices (CPO) of East Timor or into bank accounts. With regard to moneys received from the UN Trust Fund for the UNTAET, allocation and reporting arrangements with regard to the transfer shall be entered into by the Controller of the Transitional Administration.

6.4 No expenditure shall be made from the East Timor Consolidated Fund except by means of appropriations contained in a regulation promulgated by the Transitional Administrator, after consultation with the National Consultative Council.

Section 7
Independent audit

The Transitional Administrator shall ensure that appropriate independent audit arrangements following international standards are established for the East Timor Consolidated Budget. The auditors shall report to the Secretary-General of the United Nations.

Section 8
Currency

The currency to be used by the Central Fiscal Authority shall be the legal tender as determined by an UNTAET Regulation.

Section 9
Implementing directives

In accordance with Section 6 of UNTAET Regulation No. 1999/1, the Transitional Administrator may issue administrative directives for the implementation of the present regulation

Section 10
Entry into Force

The present regulation shall enter into force on 14 January 2000.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/2
14 January 2000

REGULATION NO. 2000/2

ON THE USE OF CURRENCIES IN EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

— Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of regulating the use of currencies during the period of the transitional administration in East Timor;

Promulgates the following:

Section 1
Freedom of contract

1.1 The parties to a contract or to any other voluntary transaction may denominate a payment obligation in any currency they wish to agree upon.

1.2 Payments in discharge of any debt arising from a contract or any other voluntary transaction may be made in any currency the parties to the contract or the transaction have agreed upon.

Section 2
Removal of restrictions

2.1 Any restrictions on the possession, use, or disposition, of any currency, whether in specie or in a bank or any other type of account, whether situated inside or outside East Timor, that exist under the laws applied in East Timor according to UNTAET Regulation No.1999/1, including under any applicable foreign exchange controls, are hereby removed.

2.2 In addition, any restrictions on the use of a foreign currency as a money of either account or payment under the laws applied in East Timor according to UNTAET Regulation

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No. 1999/1 shall cease to apply insofar as these laws conflict with any provisions of the present regulation.

Section 3
Flow of money

3.1 The import into East Timor of any currency exceeding the equivalent of US $10,000 or the export from East Timor of any currency exceeding the equivalent of US $5,000 must be reported to the designated authority in East Timor.

3.2 In addition, UNTAET will promulgate a separate regulation to enhance its capabilities in combating any illicit flow of monies into and from East Timor effectively.

Section 4
Budgets, financial records and accounts

The budgets, financial records and accounts of all physical and legal persons, including private enterprises, government, municipal and other public bodies, units, agencies or institutions and UNTAET will be made in a currency designated in a regulation to be promulgated by UNTAET.

Section 5
Compulsory payments

Compulsory payments in East Timor may be assessed and required to be made in a currency as designated in an UNTAET regulation. This regulation will also establish the requirements that apply to compulsory payments made in rupiah.

Section 6
Definitions

For the purposes of this regulation it shall be understood that

(a) "Compulsory payment" means any payment made to the public authority other than under a contract or any other voluntary transaction, and includes the payment of taxes, custom dues, excise, levies, fees, charges and penalties, as well as any payment to public utilities or according to a court order;

(b) "Rupiah" means the official currency of the Republic of Indonesia issued by the Bank of Indonesia under the relevant law of the Republic of Indonesia;

Section 7
Entry into force

The present regulation shall enter into force on 14 January 2000.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/3
20 January 2000

REGULATION NO. 2000/3

ON THE ESTABLISHMENT OF A PUBLIC SERVICE COMMISSION

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under the United Nations Security Council Resolution 1272 (1999) of 25 October 1999,

Taking into account the United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999, on the Authority of the Transitional Administration in East Timor,

After consultation in the National Consultative Council,

For the purpose of facilitating the establishment of a system of public services administration in East Timor,

Promulgates the following:

Section 1
The Public Service Commission

1.1 A Public Service Commission (hereinafter: the Commission) is hereby established. The Commission is charged with the oversight of the proper functioning of the East Timor Administration. It shall be independent in the exercise of its functions. The Transitional Administrator may consult the Commission on matters concerning the civil service of East Timor.

1.2 The Commission:

(a) Formulates personnel policies and guidelines, including those related to recruitment, appointments and promotions, salaries, benefits, pensions, and other terms of employment; disciplinary procedures and sanctions; and the rights and obligations of civil servants and other employees of public agencies, to be incorporated in a future statute governing civil service employment;

(b) Pending the establishment of judicial procedures to hear labour and administrative cases, the Commission will arbitrate in such disputes;

(c) Once the East Timor civil service is fully operational, it will supervise the implementation of agreed procedures, administrative instructions and guidelines; promote an ethical environment in the Administration; and monitor the overall performance of departments and public agencies.

1.3 Based on the recommendations of departmental recruitment panels and the Central Personnel Recruitment Office, it shall be the primary function of the Commission to recommend qualified officials for the public service of East Timor, for appointment by the Transitional Administrator. The recruitment panels will be composed of representatives of the department concerned and the Central Personnel Recruitment Office, selected in accordance with guidelines to be drawn up by the Commission.

1.4 With respect to the appointment of the most senior (Level Five) officials, except as separately provided for in regulations governing appointments to the judiciary, for each post the Commission shall prepare a short list of qualified candidates, for appointment by the Transitional Administrator.

Section 2
Composition and Terms of Office

2.1 The Commission shall be composed of seven (7) members, to be appointed by the Transitional Administrator. At least two (2) of them shall be international experts. The others shall be named by the Administrator after consultations with representatives of the East Timorese people, through the National Consultative Council established under UNTAET Regulation No. 1999/2. The Chairperson shall be designated by the Transitional Administrator.

2.2 Within one year of its establishment, the composition of the Commission shall be adjusted to include a representative of public service employees.

2.3 All members of the Commission are to be independent and impartial in exercising their functions. Its members shall at all times be likewise guided by the goal of establishing an independent civil service.

2.4 The initial term of the members of the Commission shall be six (6) months from the date of appointment. This term shall be renewable. Membership of the Commission will be terminated on assumption of high political office or employment in the public service of East Timor.

Section 3
Working Groups of the Commission

In order to improve its ability to respond to issues requiring in-depth study and expert advice, after consultation with the Transitional Administrator, the Commission may establish ad hoc working groups on different sectors of the public service (hereinafter: working groups), other than in those areas covered by the Transitional Judicial Service Commission. Members of the working groups will comprise both East Timorese and international experts in the relevant areas.

Section 4
Accountability

4.1 The Commission shall submit, on a quarterly basis, a comprehensive report of its activities to the Transitional Administrator. This report shall be presented to the National Consultative Council in both verbal and written form. It will also publish an annual report, reviewing the performance of the public services during the previous calendar year and making recommendations for possible changes.

4.2 The Commission will meet periodically with the Transitional Administrator, to exchange views on topical issues of importance to the good functioning of the public services.

Section 5
Sessions of the Commission

5.1 The Commission shall, wherever possible, reach decisions by consensus.

5.2 Meetings of the Commission shall require a quorum of five (5) members including the Chairperson or, in the Chairperson's absence, a nominated Vice-Chairperson.

5.3 The Chairperson shall convene sessions of the Commission as and when necessary, but not less than once a month. Extraordinary sessions to deal with specific issues of importance or urgency shall be convened at the request of the Transitional Administrator.

Section 6
Technical Support and Remuneration

6.1 The Transitional Administrator shall provide the necessary funding and technical support for the Commission.

6.2 The members of the Commission shall receive remuneration in the form of an honorarium, at a level to be determined by the Transitional Administrator.

Section 7
Oath or Solemn Declaration

7.1 Upon appointment, the Transitional Administrator shall receive the following oath from the members of the Commission.

> "I swear or solemnly declare that in undertaking the functions entrusted to me as a member of the Public Services Commission, I will perform my duties independently and impartially. I will act, at all times, in accordance with the dignity required of this office.
>
> In undertaking my functions, I will act, subject to law, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or all other status."

7.2 Upon completion of the above oath, each member of the Commission shall sign a written declaration of the oath, which shall be retained by the office of the Transitional Administrator.

Section 8
Removal of members of the Commission from Office

8.1 If, at any point in time, the Transitional Administrator becomes aware of evidence that any of the members of the Commission has failed to meet the above principles or has violated the oath, the Transitional Administrator may remove such member from office and appoint a replacement, in accordance with the present regulation.

8.2 In case of the incapacitation, resignation or death of a member, the Transitional Administrator shall appoint a new member to the Commission, in accordance with the present regulation.

Section 9
Approval of Draft Code of Ethics and Guidelines

The Commission shall submit, within three (3) months of the appointment of its initial members, a draft Code of Ethics, Recruitment Guidelines and Guidelines on Disciplinary Action for officers in the public service of East Timor to the Transitional Administrator for approval.

Section 10
Entry into Force

The present regulation shall enter into force on 20 January 2000.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

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NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/4
20 January 2000

REGULATION NO. 2000/4

ON THE REGISTRATION OF BUSINESSES

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultation in the National Consultative Council,

For the purpose of registering businesses in East Timor,

Promulgates the following:

Section 1
Operation of a business

1.1 Every person and every legal entity operating or intending to operate a business in East Timor shall register the business.

1.2 Businesses that have commenced their operation prior to the date of entry into force of the Regulation shall register their business by no later than 20 February 2000.

1.3 For the purposes of the present regulation, a business shall be considered every undertaking, operated by an individual or a legal entity, which facilitates or transacts the exchange of goods or services with the objective of making a profit.

1.4 The present regulation shall not apply to street peddlers or market hawkers, as defined by an UNTAET directive.

Section 2
Registration

2.1 An application for registration shall comprise the following information:

(a) Name of the enterprise;

(b) Nature or field of operation of the enterprise;

(c) Current business address of non-corporate entities and residential address of individuals;

(d) Place and date of first and subsequent registration(s) of business name and company name both in East Timor and elsewhere;

(e) Official extract of company registration showing names and address of all office bearers, and if a publicly listed company, the identity of all shareholders with holdings greater than 25%;

(f) Names of all persons including corporate entities with any beneficial interest in the proposed enterprise;

(g) The identity of any related companies.

2.2 An application shall include a declaration by the applicant or registered office bearer that the entity has not been the subject of an insolvency application.

2.3 The Transitional Administrator may refuse to register a business if the name of the proposed business is reasonably likely to be confused with any names resembling the name of a current national or international governmental or non-governmental organization, a likely future development corporation or a local government entity.

2.4 Upon approval and payment of the registration fee a Certificate of Registration shall be issued in the form prescribed by the Transitional Administrator.

2.5 The information shall be entered into a register with the UNTAET Business Registration Unit that shall be publicly accessible.

2.6 The Certificate of Registration shall be displayed at the principal place of business.

Section 3
Change of Address and Effective Control

3.1 The UNTAET Business Registration Unit shall be informed, in writing, within 30 days of any change

(a) in effective control of any registered business;
(b) in location or business address.

3.2 For the purpose of the present regulation, 'change in effective control' means a change in the name of the individual entity conducting that business, the addition of any further individual, or, a change in ownership of more than 25% of the registered shareholding.

Section 4
Registration fee

4.1 Upon registration, a non-refundable fee of US $100 shall be paid by incorporated entities, or a non-refundable registration fee of US $10 for individuals.

4.2 Pending an UNTAET regulation designating a legal tender for compulsory payments, the payment of the business registration fee may be made in any other currency in use in East Timor, in accordance with UNTAET Regulation 2000/2.

4.3 The fee shall be paid into an account that shall be administered by the Central Fiscal Authority, in accordance with UNTAET Regulation No. 2000/1.

Section 5
Duration of registration

5.1 The registration, and any renewal thereof, shall be valid for a period of two (2) years following the date of registration or renewal, and shall lapse unless renewed on or before the date of its expiry.

5.2 Requests for renewal shall be directed to the UNTAET Business Registration Unit, no later than 28 days before the date of expiry of the registration.

5.3 All applications for renewal of registration shall include notification of any change in the information provided for initial registration and a further declaration in the terms of Section 2.2 of the present regulation. All such information shall be publicly accessible from the UNTAET Business Registration Unit.

5.4 The Transitional Administrator may refuse to register or renew the registration of a business, if that business fails to comply with the requirements of the present regulation.

Section 6
Penalty

6.1 The failure to comply with the above registration requirement shall incur a penalty of US $500. The penalty shall be imposed by the UNTAET Business Registration Unit. The provisions of Section 4.2 of the present regulation shall apply accordingly.

6.2 The penalty shall accrue to the East Timor Consolidated Budget, as provided for under UNTAET Regulation No. 2000/1.

6.3 Pending the establishment of adequate judicial procedures for administrative matters, the individual or the representatives of the legal entity operating the business against which a measure under this present Section has been taken, may challenge the measure with the competent judicial authorities in East Timor.

Section 7
Other permissions

The present regulation shall not affect the obligation of the enterprise or individual to obtain any permission that may be required under law applicable in East Timor, pursuant to UNTAET Regulation No1999/1.

Section 8
Entry into force

The present regulation shall enter into force on 20 January 2000.

Sergio Vieira de Mello
Transitional Administrator

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United Nations Transitional Administration
in East Timor

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au Timor Oriental

UNTAET/REG/2000/5
20 January 2000

REGULATION NO.2000/5

ON THE LICENSING OF CURRENCY EXCHANGE BUREAUX

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultation in the National Consultative Council,

For the purpose of regulating currency exchange transactions,

Promulgates the following:

Section 1
Definition of a Currency Exchange Bureau

1.1 For the purpose of the present regulation, a currency exchange bureau is an agency which has as its sole activity the conduct of currency exchange transactions, including the sale and purchase of currencies, traveler's cheques and similar instruments, and which has been issued with a currency exchange license by the Central Payments Office, as established by an UNTAET regulation.

1.2 A currency exchange bureau is not permitted to act as an authorized dealer in gold, engage in money lending, or maintain currency accounts on behalf of customers, establish letters of credit or deal in the forward market. A currency exchange bureau is restricted to spot transactions only.

1.3 Nothing in this Regulation shall diminish the powers, rights and obligations of a currency exchange bureau operated by commercial banks in East Timor which have been licensed or authorized by UNTAET to operate banking facilities.

Section 2
Currency Exchange License

2.1 A person or business entity conducting currency exchange transactions must hold a currency exchange license issued by the Central Payments Office.

2.2 The Central Payments Office may issue a currency exchange license to any person who, or business entity which

(a) has lodged a written application, in the form prescribed by Section 3 of the present regulation, with the Central Payments Office;

(b) has lodged a nonrefundable application fee with the Central Payments Office of US $100, or such amount as may be prescribed by the Central Payments Office from time to time;

(c) has satisfied the Central Payments Office that its owners and directors are fit and proper persons to conduct currency exchange facilities.

Section 3
Currency Exchange License Application Form

An application for a currency exchange license shall contain

(a) where the applicant is a business entity, the names, residential addresses, nationalities, and specimen signatures of all the owners of the applicant;

(b) the curriculum vitae of the principal officers and directors of the applicant;

(c) where the applicant is a person, the name, residential address, nationality, curriculum vitae and specimen signature of the applicant;

(d) where the applicant is a business entity, a copy of the applicant's certificate of registration as a business, pursuant to UNTAET Regulation No. 2000/4;

(e) the name of the proposed currency exchange bureau, which shall include the words 'Currency Exchange Bureau' in either Tetum, Portuguese, English or Bahasa Indonesia;

(f) a clear identification of the physical location or locations of the proposed currency exchange bureau;

(g) the postal address of the proposed currency exchange bureau;

(h) a declaration by the applicant that the applicant has never been declared bankrupt, and has never been convicted by any court of competent jurisdiction, in East Timor or elsewhere, of a criminal offence involving fraud, money laundering, tax evasion, or any other act of dishonesty;

(i) an undertaking by the applicant to comply with instructions issued by the Central Payments Office pursuant to this Regulation or pursuant to any other UNTAET Regulation.

Section 4
Granting a License

The Central Payments Office shall, within six weeks of the date of lodgment of an application, either

(a) grant a currency exchange license to the applicant on receipt from the applicant of a license fee of US $300, or such amount as may be determined by the Central Payments Office from time to time; or
(b) inform the applicant in writing that the application has been refused.

Section 5
Scope of the Operations of a Currency Exchange Bureau

5.1 A currency exchange bureau shall be free to deal in foreign currency transactions involving cash, traveler's checks, and similar instruments with the public.

5.2 A currency exchange bureau shall be permitted to set its own business hours without any restriction.

5.3 A currency exchange bureau shall not be permitted to have access to the financial support of UNTAET for their operations. They will, however, have access to the inward transfers to their accounts and foreign exchange purchases they have made from the market or which go through the Central Payments Office.

5.4 A currency exchange bureau shall be free to deal in any convertible currencies at freely negotiated rates.

Section 6
Minimum terms of a license

A currency exchange license shall contain the following terms and conditions for the operation of currency exchange bureaux. A currency exchange bureau

(a) shall not engage in any business operation in the name of the currency exchange bureau other than currency exchange transactions;

(b) shall conduct currency exchange transactions within three (3) months of the date of the issue of the license;

(c) shall maintain a minimum balance of US $2,000, or such amount as may be prescribed by Central Payments Office from time to time, in a reputable commercial bank in East Timor or abroad, and shall produce proof of the balance of that account to the Central Payments Office on demand;

(d) shall maintain separate transaction registers for each branch or mobile unit;

(e) shall provide a schedule indicating the time and place of any currency exchange transactions conducted by mobile units, and shall provide the Central Payments Office with 48 hours notice of the conduct of currency exchange transactions by mobile units at any special event;

(f) shall, when the bureau replenishes its currency stock from a commercial bank abroad, report within seven (7) days to the Central Payments Office the source from which it replenishes its currency stock;

(g) shall, for every sale or purchase of currency, issue an accurate receipt in such a form as may be prescribed by the Central Payments Office from time to time, and shall not issue such a receipt for a purpose other than to cover an actual purchase or sale of currency;

(h) shall maintain the following registers to record currency exchange transactions:

(i) A currency and traveler's cheques purchases register;
(ii) A currency and traveler's cheques sales register;
(iii) A daily summary and balance register;

(i) shall maintain such books of accounts as to enable the timely preparation of audited annual financial statements;

(j) shall keep all registers up to date, cross-checked, and shall verify their balances daily;

(k) shall submit monthly summaries of its currency and traveler's checks sales and purchases in a form prescribed by the Central Payments Office;

(l) shall, during an inspection by the Central Payments Office, produce any registers, books, documents, statements or other information required by the Central Payments Office, and answer any question relating to any transactions asked by the Central Payments Office;

(m) shall not purchase currency in excess of the equivalent of US $5,000, without sighting a valid identity document, issued in East Timor or elsewhere, passport or travel document, and recording the details of the identity document;

(n) shall not purchase currency in excess of the equivalent of US $10,000 per customer per day without establishing that the currency emanated from a bona fide and clearly identifiable source;

(o) shall prepare a report, in a form to be prescribed by the Central Payments Office, of any purchase by the bureau of currency or traveler's cheques in excess of the equivalent of $US 10,000 per customer per day;

(p) shall not sell currency or traveler's cheques in excess of the equivalent of US $5,000 per customer per day without sighting a valid identity document, including an East Timor identity card, passport or travel document, and recording the details of the identity document;

(q) shall not sell currency or traveler's cheques in excess of the equivalent of US $5,000 per customer per day without receiving documentary evidence to establish the purpose of the purchase of such currency or traveler's cheques, and without stamping, signing and retaining the documentary evidence in the records of the bureau;

(r) shall not sell foreign currency to a nonresident traveler in East Timor unless evidence can be provided by the nonresident traveler that the rupiah, or an East Timorese legal tender, once established by an UNTAET regulation, which the nonresident traveler intends to sell was obtained from a currency exchange bureau, or from an authorized currency dealer in East Timor, or from a legitimate external source;

(s) shall not sell foreign currency to nonresidents unless the nonresident can prove that the rupiah, or an East Timorese legal tender, once established by an UNTAET regulation, was obtained in East Timor from the sale of foreign currency, or, earned from the sale of East Timor property, or, obtained from any other lawful activity;

(t) shall have the referencing facilities to determine the appropriate rates of exchange;

(u) shall display, in a prominent place, its currency exchange license, its currency buying and selling rates, and its commission charges.

Section 7
Annual License Fee

The Central Payments Office shall set an annual currency exchange license fee, payable on or before the anniversary of the date of the grant of a license.

Section 8
License not Transferable

A currency exchange license shall not be transferred, assigned or encumbered in any way.

Section 9
Inspections by the Central Payments Office

9.1 In accordance with the UNTAET regulation establishing the Central Payments Office, the Central Payment Office may inspect the registers, books of accounts and other documents of a currency exchange bureau at any time in order to ensure compliance with the laws of East Timor, with licensing terms and conditions, and with operating instructions and guidelines, and may call for an audit of the bureau, call for an investigation of the bureau, or impose a financial penalty on the bureau..

9.2 In accordance with the UNTAET regulation establishing the Central Payments Office, the Central Payments Office may also suspend the license of a currency exchange bureau for a period not exceeding 30 days pending the outcome of an investigation by the Central Payments Office of any suspected contravention of the laws of East Timor, with licensing terms and conditions, and with operating guidelines.

Section 10
Cancellation of License

10.1 The Central Payments Office may cancel the license of a currency exchange bureau in cases where

(a) without the written consent of the Central Payments Office, the bureau fails to conduct currency exchange transactions within three(3) months of the date of the issue of the license;

(b) the bureau is found to have ceased to conduct the operations authorized by license;

(c) in the case of a business entity, the principal officer is declared bankrupt or the partnership or company goes into liquidation or is wound up or is otherwise dissolved as may be applicable;

(d) the bureau fails to pay the required license fees by the stipulated date;

(e) in the opinion of the Central Payments Office, the bureau conducts its operations in a manner contrary to the license terms and conditions, including the failure to comply with Regulations promulgated by UNTAET and any other laws of East Timor;

(f) the principal officers or other beneficial owners of the bureau, or the bureau itself, has been convicted by any court of competent jurisdiction, in East Timor or elsewhere, of an offense related to the use or laundering, in any manner, of illegal proceeds, or is an affiliate or subsidiary of a company that has been so convicted, and such conviction is not overturned on appeal;

(g) the bureau has supplied the Central Payments Office with false or misleading information as part of its application for a license, or during the course of operation.

10.2 Where the Central Payments Office decides to cancel the license of a currency exchange license of a currency exchange bureau, the Central Payments Office shall immediately inform the bureau of its decision in writing.

10.3 A person or business entity whose currency exchange license has been cancelled by the Central Payments Office may apply to the Central Payments Office for a review of the decision to cancel the license within 30 days of the date of cancellation. On receipt of an application for review, the Central Payments Office must conduct a review of the decision, and inform the applicant of its decision within 30 days of receipt of the application.

10.4 The decision of the Central Payments Office following an application for review is subject to judicial review by a competent judicial authority.

Section 11
Entry into force

The present regulation shall enter into force on 20 January 2000.

Sergio Vieira de Mello
Transitional Administrator

UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/6
22 January 2000

REGULATION NO. 2000/6

ON THE ESTABLISHMENT OF A CENTRAL PAYMENTS OFFICE OF EAST TIMOR

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultations in the National Consultative Council,

For the purpose of providing for efficient payments and sound banking systems by establishing the Central Payments Office of East Timor,

Promulgates the following:

Section 1
Central Payments Office

1.1 There shall be established a Central Payments Office of East Timor (hereinafter referred to as "Central Payments Office").

1.2 The Central Payments Office is an autonomous public legal entity. As such, the Central Payments Office shall have the capacity to enter into contracts; to institute legal proceedings and to be subject to such proceedings; and, for the purpose of its operations, to acquire, hold, and dispose of property, whether movable or immovable.

Section 2
Autonomy

2.1 The Central Payments Office shall exercise the responsibilities specifically granted by the present regulation or any other relevant UNTAET regulations and such incidental powers as are necessary to carry out its responsibilities.

2.2 The Central Payments Office shall enjoy operational, administrative and judicial autonomy from any other person or entity, including the government and any of its agencies, and subsidiary organs or entities, unless specifically provided otherwise by law. The autonomy of the Central Payments Office shall be respected at all times and no person or entity shall seek to influence the management or the employees of the Central Payments Office in the discharge of their duties, or to interfere with the activities of the Central Payments Office, except in the discharge of a specific authority or duty provided for by law.

Section 3
Responsibilities

The Central Payments Office shall have the following responsibilities:

(a) to formulate and implement measures, procedures and policies for payments as well as for settlement systems for transactions in the legal tender, once established by an UNTAET regulation, as well as in foreign currencies in East Timor;

(b) to supervise these systems, including the right to issue instructions, guidelines, and internal rules, insofar as not inconsistent with any UNTAET regulations or directives;

(c) to operate one or more payments systems;

(d) to provide temporary payments and storage services to the Central Fiscal Authority, as established by UNTAET Regulation No. 2000/1, and other public authorities in East Timor, as established by UNTAET;

(e) to provide payments and storage services for the benefit of foreign governments, foreign banks, and foreign monetary authorities and for public international organizations and other international institutions, in which it participates in accordance with Section 4 of the present regulation.

(f) to act as fiscal agent of the Central Fiscal Authority and any other public authorities;

(g) to safekeep foreign currency for the Central Fiscal Authority and other public authorities;

(h) to ensure an adequate supply of bank notes and coins of the legal tender, once established by an UNTAET regulation, for the settlement of cash transactions;

(i) to maintain a depository for safekeeping of currency;

(j) to license, supervise, and issue instructions and guidelines to banks;

(k) to supervise a bank receivership, and

(l) to license, supervise, and issue instructions and guidelines to dealers in currency exchange, in accordance with UNTAET Regulation 2000/5.

Section 4
International Cooperation

The Central Payments Office shall represent East Timor in meetings, international councils and organizations concerning payments, supervision and instruction of licensed financial institutions, and such other matters as are within its responsibilities under the present or any other UNTAET regulation.

Section 5
Offices

The head office of the Central Payments Office shall be in Dili. The Central Payments Office may establish branch offices, liaison offices, and facilities at places or in countries it deems necessary to conduct its operations.

Section 6
Accounts

~~The~~ Central Payments Office may not open any accounts on its books other than on behalf of the Central Fiscal Authority and other public authorities, foreign banks and licensed dealers in foreign exchange, public international financial institutions, and donors, and except as provided otherwise in Section 38 of the present regulation.

Section 7
Internal Structure

The Central Payments Office shall be comprised of the management, the comptroller, and the general staff.

Section 8
Management

8.1 The management of the Central Payments Office shall consist of the General Manager, the Deputy General Manager for Supervision, and the Deputy General Manager for Payments, to be appointed by the Transitional Administrator.

8.2 The members of the management must be individuals of recognized integrity and professional expertise in financial and banking matters.

8.3 The members shall be removed from the management of the Central Payments Office only by the Transitional Administrator and only for reasons of good cause.

Section 9
Responsibilities of the General Manager

9.1 The General Manager shall serve as the chief executive officer of the Central Payments Office and is in charge of the day-to-day operations of the Central Payments Office.

9.2 The General Manager shall have the authority to take all actions that are required or deemed advisable for the administration or operations of the Central Payments Office, in fulfillment of its responsibilities under Section 3 of the present regulation, including entering into contractual commitments on behalf of the Central Payments Office, appointing and terminating the appointments of the comptroller and the general staff of the Central Payments Office, and representing the Central Payments Office in legal proceedings.

9.3 The General Manager shall be accountable to the Transitional Administrator for the execution of the decisions of the management, and for the direction and control of the administration and operations of the Central Payments Office.

9.4 The General Manager may, with the written approval of the Transitional Administrator, delegate responsibilities to other employees of the Central Payments Office. The Central Payments Office shall maintain a record of all such delegations.

9.5 The term of office of the General Manager shall be limited to the duration of the mandate of UNTAET.

Section 10
Responsibilities of the Deputy General Manager for Supervision

10.1 The Deputy General Manager for Supervision shall be accountable to the General Manager for the direction and control of the Department of Supervision, and for such other responsibilities as are specified in the present regulation.

10.2 The Deputy General Manager for Supervision shall have the authority to take the enforcement measures, provided for by the present regulation or any other relevant regulation, including the authority to order any bank to take remedial actions, or to impose penalties.

10.3 If the General Manager is absent or otherwise unable to act, the Deputy General Manager for Supervision shall act as chief executive officer of the Central Payments Office.

Section 11
Responsibilities of the Deputy General Manager for Payments

The Deputy General Manager for Payments shall be accountable to the General Manager for the direction and control of the Department of Cash Transactions and the Department of Payments Operations, and such other responsibilities as specified in the present regulation.

Section 12
Comptroller

12.1 The General Manager, with the approval of the Transitional Administrator, shall appoint the Comptroller of the Central Payments Office.

12.2 The Comptroller shall only be removed from office by a decision of the Transitional Administrator, after consultation with the General Manager.

12.3 The Comptroller has the following responsibilities:

(a) to perform periodic audits of the administration and operations of the Central Payments Office in order to ensure strict observance of the laws, regulations, and directives applicable to the Central Payments Office;
(b) to audit the accounts and records as well as the budgetary and accounting procedures and controls of the Central Payments Office, and to subsequently submit a report on the audit to the General Manager and the Transitional Administrator;
(c) to audit the periodic financial statements and related documents of the Central Payments Office, and, if these have been properly prepared, to issue certifications to that effect; and
(d) to ensure that an annual audit of the Central Payments Office by external auditors is carried out.

Section 13
General Staff

13.1 While being employed by the Central Payments Office, general staff of the Central Payments Office cannot be employed by any other person or entity.

13.2 The General Manager shall issue internal rules governing the employment of the other members of the management and the general staff, including conditions of employment, disciplinary measures, and provisions for the declaration and non-exploitation of conflicts of interest. The internal rules shall be in accordance with the general terms and conditions of employment, provided in an UNTAET regulation.

Section 14
Conflicts of Interest

14.1 While holding office, both management and comptroller shall devote their professional services exclusively to the Central Payments Office. They shall not occupy any other office or employment, whether remunerated or not, except as assigned or nominated by the Central Payments Office.

14.2 No member of the management or the general staff shall accept any gift or credit for themselves, or on behalf of any person with whom they have family, business, or financial relations.

Section 15
Confidentiality

No person who currently serves or has previously served as member of the management or the general staff, or as an auditor, agent or correspondent of the Central Payments Office shall,

(a) disclose, permit access to, or publicize non-public material information that was obtained in the performance of duties; or

(b) use such information, or allow such information to be used, for personal gain

unless expressly provided otherwise by law.

Section 16
Consultative and Advisory Functions

16.1 UNTAET shall consult the Central Payments Office on all significant financial and banking matters that are related to the responsibilities of the Central Payments Office.

16.2 The Central Payments Office shall also, as appropriate, provide advice on the above matters to the Transitional Administrator, and to all other public authorities, including the Central Fiscal Authority.

Section 17
Fiscal Function

In the following matters, the Central Payments Office may act as fiscal agent for the account of the Central Fiscal Authority and its agencies and instrumentalities, on the terms and conditions agreed upon with the Central Fiscal Authority, in accordance with UNTAET Regulation No. 2000/1:

(a) Collection of taxes, customs duties and other budgetary revenues;
(b) Execution of payment transactions concerning their accounts at the Central Payments Office; and
(c) Such other matters as shall be consistent with the objectives and the basic tasks of the Central Payments Office.

Section 18
Depository and Cashier

18.1 The Central Payments Office may accept deposits, in any currency, from the Central Fiscal Authority or any other public authority.

18.2 As depository, the Central Payments Office shall receive and disburse moneys, keep account thereof, and provide other financial services related thereto. It shall pay to the limits of the deposited amounts against payment orders concerning such accounts.

18.3 The Central Payments Office shall charge reasonable fees on such deposits and payment services, as provided by an UNTAET directive.

Section 19
Consultations on UNTAET Regulations

The Central Payments Office shall be consulted on any proposals for regulations, administrative directions, or other decisions with respect to matters that relate to the discharge of its functions and responsibilities, or that otherwise are within its areas of responsibility, before such proposals are submitted for promulgation by the Transitional Administrator.

Section 20
Payments, Clearing and Settlement Facilities

20.1 The Central Payments Office may organize, operate, or supervise systems for payment orders and for clearing and settlement of inter-bank payments, in such currencies as it determines, including payments by check and other payment instruments.

20.2 To that end, the Central Payments Office may decide on such procedures and issue such instructions as are necessary for the discharge of the aforementioned responsibilities, including such aspects as the format and medium for transmittal of data and the payment of fees, pursuant to Section 18.3 of the present regulation, provided that settlement on its books of account shall be for payments in foreign exchange only.

Section 21
Supervision and Licensing

The Central Payments Office shall be exclusively responsible for the licensing of banks and dealers in foreign exchange in East Timor, and for their supervision. To that end, the Central Payments Office shall have the following responsibilities:

(a) to issue such instructions, and guidelines and to take such other actions, including revoking bank licenses and licenses for dealers in foreign exchange, and to assume control of a failed licensed financial institution, as it deems necessary or advisable to discharge its responsibilities under the present regulation or any other subsequent regulation on bank licensing and supervision;

(b) to order an inspection of any licensed financial institution, by any of its officers or by any other qualified person or entity appointed to that effect by the Central Payments Office, including the examination of the books, records, documents and accounts of this institution in order to ascertain the condition of the affairs of the institution and whether it is in compliance with the present or any other relevant UNTAET regulation;

(c) to require a director of a bank to furnish to the Central Payments Office such information as is necessary for the Central Payments Office to discharge its supervisory functions and to issue instructions to banks and licensed dealers in foreign exchange; and

(d) to order any bank or licensed dealer in foreign exchange to take remedial actions, or, to impose such penalties, as provided in the present regulation or other regulations on bank licensing and supervision, if there has been an infraction by a bank or by one or more of its officers or directors with respect to:

(i) the violation of a provision of the present regulation or any other relevant UNTAET regulation pursuant thereto,
(ii) the violation of any condition or restriction attached to an instruction issued to a bank or a licensed dealer in foreign exchange by the Central Payments Office; or,
(iii) the violation of any instruction or guidelines issued by the Central Payments Office.

Section 22
Compliance with Instructions

22.1 Each bank and licensed dealer in foreign exchange shall comply with instructions issued by the Central Payments Office.

22.2 Licensed financial institutions that engage in similar activities as banks and licensed dealers, and that are in comparable financial condition, shall be subject to similar instructions.

Section 23
Submission of Information by Public Authorities

The Central Fiscal Authority and other public authorities shall submit to the Central Payments Office such financial and economic information and documents, as required by the Central Payments Office for the discharge of its functions and responsibilities.

Section 24
Submission of Information by Banks and Dealers

24.1 Banks must furnish to the Central Payments Office such information concerning its operations and financial condition as required by the Central Payments Office for the discharge of its functions and responsibilities.

24.2 The Central Payments Office may publish such information and data, in whole or in part, in aggregate form, taking into consideration the primary activity and characteristics of the financial institutions.

Section 25
Supervision of Currency Exchange

The Central Payments Office, in accordance with UNTAET Regulation No. 2000/5, shall have the following responsibilities in regard of the supervision of currency exchange:

(a) to issue and implement instructions and guidelines governing foreign exchange transactions of individuals, non-financial enterprises, currency exchange bureaus, financial institutions, and Government agencies and instrumentalities, in accordance with applicable law;
(b) to supervise and issue instructions regarding currency exchange dealers and banks;
(c) to set limits on currency exchange positions of currency exchange dealers and banks;
(d) to establish the method for determining the value of currencies in relation to other currencies.

Section 26
Reporting of Currency Exchange Transactions

Pursuant to applicable law, licensed currency exchange dealers and banks, may be required by the Central Payments Office to report periodically to the Central Payments Office on their operations, including their open currency exchange positions, on a currency-by-currency basis. The Central Payments Office shall provide the reporting forms and supporting documents to be submitted

Section 27
Dealing in Foreign Exchange

The Central Payments Office shall determine the rate at which it will buy, sell or deal in foreign currencies.

Section 28
International Clearing and Payments Agreements

The Central Payments Office may, either for its own account or for the account and by order of the public authorities of East Timor, enter into clearing and payments agreements, or any other contracts, with public and private central clearing institutions domiciled abroad.

Section 29
Currency Safekeeping

The Central Payments Office shall provide, upon payment of reasonable fees, as specified by an UNTAET directive, custodial facilities for banknotes and coins in currencies that it determines as a service to financial institutions and the public at large.

Section 30
Currency Inventory Plan

30.1 The Central Payments Office shall administer a currency reserve inventory in such currencies as it deems appropriate for the settlement of domestic and international transactions to ensure the regular supply of currency and to meet the requirements of the economy of East Timor.

30.2 The Central Payments Office may charge reasonable fees for this service, as specified by an UNTAET directive.

Section 31
Financial Year

The financial year of the Central Payments Office shall begin on the first day of July and end on the last day of June.

Section 32
Accounting Practices

The Central Payments Office shall maintain, at all times, accounts and records adequate to reflect its operations and financial condition, in accordance with international accounting standards.

Section 33
External Audit of the Accounts of the Central Payments Office

33.1 The accounts, records, and financial statements of the Central Payments Office shall be audited by internationally recognized external auditors, recommended by the General Manager and approved by the Transitional Administrator. Only the Transitional Administrator may dismiss such external auditors and only for good cause.

33.2 The Central Payments Office shall, as soon as possible after the last working day of each calendar quarter, but in any event within 15 working days, prepare summary financial statements as of the end of that quarter.

33.3 Upon completion, the CPO shall publish the financial statements certified by the external auditors.

Section 34
Prohibited Activities

34.1 Except where expressly provided otherwise by the present regulation, the Central Payments Office shall not have the right:

(a) to grant any credit, borrow directly, extend guarantees on borrowing form any source whether domestic or external, maintain any deposit, or make any monetary or financial gift;

(b) to engage in commerce, purchase the shares of any corporation or company, including the shares of any financial institution, or otherwise have an ownership interest in any financial, commercial, agricultural, industrial, or other undertaking; and

(c) to acquire, by purchase, lease, or otherwise, any real rights in respect of immovable property, except as necessary or expedient for the provision of premises, for the conduct of its administration and operations, or as incidental to the performance of its functions under the provisions of the present regulation.

34.2 No transaction carried out by the Central Payments Office may serve to extend credit to or for the benefit of any public authority or any other physical or legal entity.

Section 35
Exemption from Taxation

The Central Payments Office, its assets, property and income, and its operations and transactions, shall be exempt from all income, property, excise and capital gains taxes and duties.

Section 36
Inspection

36.1 The Central Payments Office shall have the rights to issue such instructions or guidelines that are necessary to facilitate the visit of offices of banks and dealers in foreign exchange, to examine their accounts, books, documents and other records, and to take such other actions as it deems necessary or advisable to enforce the provisions of the present regulation, insofar as these instructions or guidelines are consistent with applicable law.

36.2 All instructions and guidelines issued by the Central Payments Office that are applicable to more than only one institution shall be published in the Official Gazette of East Timor, and shall take effect on the date of such publication or on such date as the guideline or instruction specifies. The Central Payments Office shall maintain a public register of such guidelines and instructions.

Section 37
Standards of Good Administration

37.1 The Central Payments Office shall discharge its responsibilities under the present regulation equ tably and uniformly, and in accordance with sound administrative practices. It shall refrain from discharging any such responsibility to serve an objective that is contrary to the purpose and objectives of this responsibility or from exceeding what is required for the discharge of its responsibilities.

37.2 The decisions of the Central Payments Office, taken pursuant to the present regulation, shall be impartial and shall be motivated only by objective and rational considerations; they shall be executed with fairness and restraint.

Section 38
Transitional Provisions

38.1 From the date of entry into force of the present regulation, no bank shall transact business of a bank in East Timor, unless it receives a license from the Central Payments Office, in accordance with applicable law.

38.2 Until the Central Payments Office makes the determination that banks in East Timor are equipped to provide such services, the Central Payments Office may

(a) open demand deposit accounts on its books on behalf of persons and legal entities, in currencies it determines;
(b) receive and disburse moneys and keep account thereof; and
(c) provide payments and collection services related thereto.

The Central Payments Office shall only pay to the limits of the deposited amounts against payment orders on such accounts. The Central Payments Office shall pay no interest on such deposits. The accounts, including the payment of reasonable fees, shall be subject to such further terms and conditions, as specified by an UNTAET directive.

Section 39
Definitions

39.1 Wherever used in the present regulation, the following terms shall have the following meanings:

(a) "Bank" means a legal entity engaged in the business of accepting deposits from the public in East Timor and using such funds, either in whole or in part, to make extensions of credit or investments for the account and at the risk of the person carrying on the business;

(b) "Credit" means any direct or indirect commitment to disburse a sum of money in exchange for a right to repayment of the amount disbursed and outstanding and to payment of interest or other charges on such amount, any extension of the due date of a debt, any debt payment guarantee issued, and any commitment to acquire a right to payment of a sum of money; the term "credit" shall not include bank deposits and the purchase of debt securities in the secondary market;

(c) "Financial institution" means a bank or other legal entity that is engaged in the business of making extensions of credit or investments for the account of and at the risk of the person carrying on the business;

(d) "Guidelines" means non-obligatory recommendations or policy statements issued by the Central Payments Office for the information of banks and other parties concerned with Central Payments Office's operations;

(e) "Instruction" means a general obligatory determination issued by the Central Payments Office in implementation of the present regulation, or, of an instruction or guideline issued in accordance with the present regulation, directed to one or more types of banks or other persons or entities.

(f) "International accounting standards" means the most recent international accounting standards issued by the International Accounting Standards Committee; and

(g) "Reasonable fees" means fees that defray the direct and indirect costs that Central Payments Office incurs in providing the service or services for which the fee is charged.

Section 40
Judicial Review

In any court or arbitration proceeding arising out of or in connection with the present regulation against the Central Payments Office or an officer, employee, or agent of the Central Payments Office

(a) the sole question before the court or arbitration court in determining whether the defendant acted unlawfully shall be whether the defendant acted in an arbitrary or capricious manner in light of the facts and the law or regulation at issue;
(b) an administrator, employee, or agent of the Central Payments Office shall not be liable for damages or otherwise liable for acts or omissions performed pursuant to and in the course of the duties and responsibilities unless such acts or omissions constitute intentional wrongful conduct; and
(c) the action in question shall continue without restriction during the period of an appeal and any further appeal, or any other judicial proceedings related to the appeal

Section 41
Penalties for the Violation of the Regulation and Instructions

41.1 If any bank or other account holder at the Central Payments Office, or any account holder's officers or directors, representing the account holder, or any other person subject to the Central Payments Office regulations or instructions commits an infraction consisting of:

(a) the violation of a provision of the present regulation or any other related UNTAET regulation, or any instruction issued by the Central Payments Office pursuant thereto;
(b) the violation of any condition or restriction attached to an authorization issued to a person by the Central Payments Office; or,
(c) the violation of any instruction issued by the Central Payments Office,

the Central Payments Office may:

(a) Issue written warnings;
(b) Conclude a written agreement with the governing body of that person providing for a program of remedial action,
(c) Issue written instructions to cease and desist from such infractions and to undertake remedial action;
(d) Impose fines on a person or legal entity, as defined by an UNTAET directive, provided, however, that fines shall be of similar amount for entities with comparable total assets for the same type of infraction;
(e) Suspend temporarily or dismiss officials from positions in a licensed financial institution, and terminate their receipt of remuneration from the entity;
(f) Suspend or terminate the provision of Central Payments Office services to such entity; or
(g) Revoke the license issued by Central Payments Office to the entity.

41.2 Upon receipt of an application for review by any bank or dealer that has been subject to a penalty or other measure of a punitive nature imposed by the Central Payments Office, pursuant to the present regulation, the Central Payments Office shall conduct a review of the decision and inform the applicant of its decision, within 30 days of receipt of the application. In the event that the Central Payments Office confirms the penalty or measure, the bank or dealer may challenge the decision in a court of competent jurisdiction in East Timor.

Section 42
Implementation

In accordance with UNTAET Regulation No. 1999/1, the Transitional Administration has the power to promulgate such regulations and directives as are necessary for the implementation of the present regulation.

Section 43
Entry into Force

The present regulation shall enter into force on 22 January 2000.

Sergio Vieira de Mello
Transitional Administrator

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UNITED NATIONS
United Nations Transitional Administration
in East Timor

UNTAET

NATIONS UNIES
Administration Transitoire des Nations Unies
au Timor Oriental

UNTAET/REG/2000/7
24 January 2000

REGULATION NO. 2000/7

ON THE ESTABLISHMENT OF A LEGAL TENDER FOR EAST TIMOR

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Furthermore, taking into account UNTAET Regulation No. 2000/2 of 14 January 2000 on the Use of Currencies in East Timor,

After consultations in the National Consultative Council,

For the purpose of strengthening the economy in East Timor by establishing the legal tender for East Timor,

Promulgates the following:

Section 1
Legal Tender Selected

1.1 The official currency of East Timor shall be the currency of the United States of America, the US dollar. The official acronym of the currency shall be US$.

1.2 The banknotes and coins of this currency are the legal tender for all public and private transactions in East Timor. No payment in US Dollar shall be refused.

Section 2
Freedom of Contract

2.1 The parties to a contract or to any other voluntary transaction may denominate a payment obligation in any currency they wish to agree upon.

2.2 Payments in discharge of any debt, arising from a contract or any other voluntary transaction may be made in any currency the parties to the contract or the transaction have agreed upon.

2.3 Where the parties to a contract or any other voluntary transaction have not specifically determined a currency for payment, it shall be presumed that such payment shall be made in US dollar.

Section 3
Compulsory Payments

3.1 Compulsory payments, owed to any public authority in East Timor, shall be made in the legal tender, as defined by the present regulation.

3.2 The rupiah, as defined in Section 6 (b) of UNTAET Regulation 2000/2, may be used to make such payments, until otherwise determined by the Transitional Administrator. Payments made in rupiah, however, shall be subject to a transaction fee, to be determined by an UNTAET directive.

Section 4
Implementation

The Transitional Administrator shall issue such UNTAET directives as are necessary for the implementation of the present regulation, including special transitory arrangements for the use of rupiah, as provided in Section 3 of the present regulation.

Section 5
Inconsistent Law

All relevant legislation that is inconsistent with any of the provisions of the present regulation shall cease to apply in East Timor.

Section 6
Entry into Force

The present regulation shall enter into force on 24 January 2000.

Sergio Vieira de Mello
Transitional Administrator